

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NATANAEL RIVERA,

Plaintiff-Appellant,

v.

USDC Case No. 13-C-124

USCA Case No. 14-1018

ROBIN LINDMEIER, et al.,

Defendants-Appellees.

ORDER GRANTING IFP ON APPEAL

This court issued an order granting summary judgment, denying Plaintiff's pending motions, and dismissing this action. The plaintiff appealed and is before the court requesting leave to proceed *in forma pauperis* on appeal. A party who has been granted leave to proceed *in forma pauperis* in the district court may proceed *in forma pauperis* on appeal without further authorization unless the district court certifies that the appeal is not taken in good faith or determines that the party is otherwise not entitled to proceed *in forma pauperis*. Fed. R. App. P. 24(a).

In considering the plaintiff's request to proceed *in forma pauperis* before the district court, it was determined that the plaintiff met the indigence requirement of 28 U.S.C. § 1915(a)(1) and that his claims were neither malicious nor frivolous. As a result, this court does not find any indication that the plaintiff's appeal is not taken in good faith. Moreover, review of the plaintiff's trust account statement indicates that the funds in his account are so meager that the initial partial filing fee on appeal is **waived**.

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* on appeal is hereby **GRANTED**. The IPFF on appeal is **WAIVED**.

IT IS FURTHER ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the balance of the filing fee (\$455) by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action.

IT IS FURTHER ORDERED that copies of this order be sent to the warden of the institution where the plaintiff is confined and to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Rm. 2722, Chicago, Illinois 60604.

Dated at Green Bay, Wisconsin this 14th day of March, 2014.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court